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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/745,651

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Glenn D. Kirwin

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ROPES & GRAY LLP  
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1211 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036-8704

EXAMINER

TINKLER, MURIEL S

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

09/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/745,651	<b>Applicant(s)</b> KIRWIN ET AL.	
	<b>Examiner</b> Muriel Tinkler	<b>Art Unit</b> 3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 8-10, 17, 19, 24, 29, 30, 37-40, 42-46, 50, 59 and 63-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-10, 17, 19, 24, 29, 30, 37-40, 42-46, 59, 50 and 63-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been reviewed. Claims 1-4, 6, 8-10, 17, 19, 24, 29, 30, 37-40, 42-46, 49, 50 and 63-75 are pending. The response to arguments and rejection(s) are as stated below.

#### ***Response to Amendment***

1. Claims 1-4, 6, 8-10, 17, 19, 24, 29, 30, 37, 63 and 65-74 have been amended and claim 75 has been added.
2. The scope of the independent claims 1, 19 and 68 (and several independent claims) have been changed and a new search will be required for further review of these claims. Therefore, these claims will not be re-examined in their currently amended format.

#### ***Response to Arguments***

3. Applicant's arguments filed June 29, 2007 regarding the 35 USC 103 rejection of claim 37 have been fully considered but they are not persuasive. The Applicant argues that, "None of the references cited submitting a trade command for execution in response to a selection of at least one again." The Examiner disagrees. As noted on page 9 of the office action mailed on April 16, 2007, Raykhman teaches this the acts of posting a trade and submitting a trade by pushing a button for each, or pushing a button once (corresponding to posting a trade) and pushing a button again (corresponding to submitting a trade).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 2, 4, 6-9, 10, 17, 19, 24, 29, 40, 42-46, 49, 50, and 63-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck (US 6,115,698) in view of Robertson et al. (EP 0,665,489 A2) and in further view of Raykhman (US 7,171,386 B1).

7. Claim 1 discusses a method comprising:

- receiving a trading command to trade in at least one item via a first interface, the first interface displaying at least one of a bid variable and an offer variable associated with trading the item, each of the variables selectable for submitting the trading command (figure 21); presenting a second interface in response to receiving the trading command, the second interface comprising at least one button for confirming the trading command being submitted (figure 22);

- submitting the trade command for execution in response to a selection of the at least one button. See the rejection of claim 37 below.

8. Tuck does not disclose automatically repositioning a pointing device pointer over the at least one button in the second interface. Robertson teaches this feature. See the rejection of claim 1, in the Office Action mailed on September 12, 2006.

9. Claim 2 discusses the method of claim 1, wherein the bid variable comprises at least one of a bid price and a bid size, and wherein the offer variable comprises at least one of an offer price and an offer size, the trading command submitted by selecting one of the bid price, the bid size, the offer price, and the offer size. Claim 1 has been rejected based on the discussion(s) above. See the arguments regarding claim 19 above.

10. Claim 4 discusses the method of claim 2, wherein the first interface displays a bid variable and the trading command comprises a bid command submitted by selecting the bid price. Claim 2 has been rejected based on the discussion(s) above. Tuck discloses this in figure 17 (element 162).

11. Claim 6 discusses the method of claim 2, wherein the first interface displays an offer variable and the trading command comprises an offer command submitted by

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selecting the offer price. Claim 2 has been rejected based on the discussion(s) above.

Tuck discloses this in figure 17 (see 'Buy' tab).

12. Claim 8 discusses the method of claim 2, wherein the at least one of the bid variable and the offer variable are displayed in a market cell. Claim 2 has been rejected based on the discussion(s) above. Tuck discloses a market cell, or data window, in figure 21.

13. Claim 9 discusses the method of claim 2, wherein the first interface displays a bid variable and the trading command comprises a sell command submitted by selecting the bid size. Claim 2 has been rejected based on the discussion(s) above. See the rejection of claims 1, 4, and 6.

14. Claim 10 discusses the method of claim 2, wherein the first interface displays an offer variable and the trading command comprises a buy command submitted by selecting the offer size. Claim 2 has been rejected based on the discussion(s) above. Tuck discloses this in figure 21 (see 'Buy Market' tab).

15. Claim 17 discusses the method of claim 1, wherein the first interface comprises a bid variable and an offer variable, the trade command comprises at least one of a bid command and an offer command, and the second interface comprises a bid button for confirming the bid command and an offer button for confirming the offer command, and

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wherein the pointing device pointer is repositioned over the bid button in response to selection of the bid variable and over the offer button in response to selection of the offer variable. Claim 1 has been rejected based on the discussion(s) above. See the rejection of claims 6 and 8. Tuck discloses the bid and offer portion of this interface in figure 19.

16. Claim 19 discusses a method comprising: receiving a trading command to trade in at least one item via a first interface, the first interface displaying at least one trading variable associated with trading the item, the at least one trading variable comprising at least one of a bid price, a bid size, an offer price, and an offer size, each of the trading variables selectable for submitting the trading command; presenting a second interface in response to receiving the trading command, the second interface comprising: at least one button for confirming the trading command being submitted, a price field, and a size field, wherein the bid price is posted in the price field by selecting the bid price in the first interface, the bid size is posted in the size field by selecting the bid size in the first interface, the offer price is posted in the price field by selecting the offer price in the first interface, and the offer size is posted in the size field by selecting the offer size in the first interface; and submitting the trade command for execution in response to confirmation of the trading command. See the rejection of claim 1 above. See also the Response to Arguments, regarding claim 19 above.

17. Claim 24 discusses the method of claim 19, wherein the trade command comprises one of a bid command and an offer command, the second interface comprises a bid button for submitting the bid command and an offer button for submitting the offer command, and wherein a pointing device pointer is repositioned over the bid button in response to a selection of the bid price and over the offer button in response to a selection of the offer price size. Claim 19 has been rejected based on the discussion(s) above. See also the rejection of claim 2 above.

18. Claim 29 discusses the method of claim 19, wherein the first interface is an entry window. The Applicant refers to a market cell as an entry window. Claim 19 has been rejected based on the discussion(s) above. Also, see the rejection of claim 8 above.

19. Claim 37 discusses a method comprising: receiving a trading command to trade in at least one item via a first interface, the first interface displaying at least one trading variable associated with trading the item; presenting a second interface in response to receiving the trading command, the second interface comprising at least one button for confirming the trading command being submitted and a data entry field; automatically repositioning a pointing device pointer over the at least one button in the second interface; posting the at least one trading variable from the first interface in the data entry field with a selection of the at least one button once; and submitting the trade command for execution in response to selection of the at least one button again.



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20. Re Claim 37, see the rejection of claim 1 above. Tuck does not disclose posting data from the first interface in response to a selection of the button in the second interface once and submitting the trade command for execution in response to a selection of the button again. Raykhman teaches this in figure 4 (element 52) and column 14 (lines 30-36). Particularly, Raykhman discloses the use of buttons (element 52) that allow the user to use the best bid as well as submit a bid or offer. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Tuck by allowing the user to obtain the 'best bid' by clicking a button because it saves the user time and provides up-to-the-minute accuracy when making a counter offer against the current best bid.

21. Claim 49 discusses the method of claim 37, wherein the trading command comprises an offer command, the at least one button comprises an offer button for confirming the offer command, and the pointing device pointer is repositioned over the offer button. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claim 17.

22. Claim 38 discusses the method of claim 37, wherein the trading command comprises a bid command, the at least one button comprises a bid button for confirming the bid command, and the at least one trading variable comprises a bid price, the bid price displayed in the first interface posted in the data entry field with the selection of the

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bid button at least once. Claim 37 has been rejected based on the discussion(s) above.

See also the rejection of claims 1 and 2.

23. Claim 40 discusses the method of claim 37, wherein the trading command comprises an offer command, the at least one button comprises a--big an offer button for confirming the offer command, and the at least one trading variable comprises an offer price, the offer price displayed in the first interface posted in the data entry field with the selection of the offer button. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claims 38, 4, 6, and 8.

24. Claim 42 discusses the method of claim 37, wherein the at least one trading variable is displayed in a market cell. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claims 38, 4, 6, and 8.

25. Claim 43 discusses the method of claim 37, wherein the at least one trading variable is displayed in a spreadsheet. The applicant discloses a market cell as data window. Claim 37 has been rejected based on the discussion(s) above. See the rejection of claim 8.

26. Claim 44 discusses the method of claim 37, wherein the at least one trading variable is displayed in a data window. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claims 10 and 11.

27. Claim 45 discusses the method of claim 37, wherein the at least one trading variable is displayed in an entry window. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claims 10 and 11.

28. Claim 49 discusses the method of claim 37, wherein the trading command comprises an offer command, the at least one button comprises an offer button for confirming the offer command, and the pointing device pointer is repositioned over the offer button. Claim 37 has been rejected based on the discussion(s) above. See also the rejection of claims 13-15.

29. Claim 50 discusses the method of claim 37, wherein the trading command comprises a bid command, the at least one button comprises a bid button for confirming the bid command, and the pointing device pointer is repositioned over the bid button. Claim 37 has been rejected based on the discussion(s) above. See the rejections of claim 17.

30. Claim 63 discusses the method of claim 4, wherein the second interface comprises a price field and a size field, and wherein the bid price is posted in the price field by selecting the bid price in the first interface and wherein the bid size is posted in the size field by selecting the bid size in the first interface. Claim 4 has been rejected based on the discussion(s) above. See the rejection of claims 4 and 19.

31. Claim 64 discusses the method of claim 63, wherein the bid command is submitted for execution at a best bid price when a bid is submitted without a price. Claim 63 has been rejected based on the discussion(s) above. See the rejection of claim 37.

32. Claim 65 discusses the method of claim 6, wherein the second interface comprises a price field and a size field, and wherein the offer price is posted in the price field by selecting the offer price in the first interface and wherein the offer size is posted in the size field by selecting the offer size in the first interface. Claim 6 has been rejected based on the discussion(s) above. See the rejection of claims 4 and 19.

33. Claim 66 discusses the method of claim 4, wherein the second interface comprises a price field, and wherein the bid price from the first interface is posted in the price field by selecting the at least one button once and the bid command is submitted for execution by selecting the at least one button again. Claim 4 has been rejected based on the discussion(s) above. See the rejection of claims 4 and 19.

34. Claim 67 discusses the method of claim 6, wherein the second interface comprises a price field, and wherein the offer price from the first interface is posted in the price field by selecting the at least one button once and the offer command is

submitted for execution by selecting the at least one button again. Claim 6 has been rejected based on the discussion(s) above. See the rejection of claims 4 and 19.

35. Claim 68 discusses a method comprising: receiving a trading command to trade in at least one item via a first interface, the first interface displaying at least one of a bid variable and an offer variable associated with trading the item, each of the variables selectable for submitting the trading command; and presenting a second interface in response to receiving the trading command, the second interface comprising at least one button for confirming the trading command being submitted, a pointing device pointer automatically repositioned over the at least one button. See the rejection of claims 1 and 2.

36. Claim 69 discusses the method of claim 68, wherein the bid variable comprises at least one of a bid price and a bid size, and wherein the offer variable comprises at least one of an offer price and an offer size, the trading command submitted by selecting one of the bid price, the bid size, the offer price, and the offer size. Claim 68 has been rejected based on the discussion(s) above. See the rejection of claims 1 and 2.

37. Claim 70 discusses the method of claim 69, wherein the second interface comprises a price field and a size field, and wherein the bid price is posted in the price field by selecting the bid price in the first interface and wherein the bid size is posted in

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the size field by selecting the bid size in the first interface. Claim 69 has been rejected based on the discussion(s) above. See the rejection of claims 69 and 19.

38. Claim 71 discusses the method of claim 69, wherein the bid command is submitted for execution at a best bid price when a bid is submitted without a price. Claim 69 has been rejected based on the discussion(s) above. See the rejection of claim 37.

39. Claim 72 discusses the method of claim 69, wherein the first interface displays an offer variable and the trading command comprises an offer command submitted by selecting the offer price or the offer size, the second interface comprises a price field and a size field, and wherein the offer price is posted in the price field by selecting the offer price in the first interface and wherein the offer size is posted in the size field by selecting the offer size in the first interface. Claim 69 has been rejected based on the discussion(s) above. See the rejection of claims 69 and 19.

40. Claim 73 discusses the method of claim 69, wherein the first interface displays a bid variable and the trading command comprises a bid command submitted by selecting the bid price the second interface comprises a price field, and wherein the bid price from the first interface is posted in the price field by selecting the at least one button once and the bid command is submitted for execution by selecting the at least one button

again. Claim 69 has been rejected based on the discussion(s) above. See the rejection of claims 69 and 19.

41. Claim 74 discusses the method of claim 69, wherein the first interface displays an offer variable and the trading command comprises an offer command submitted by selecting the offer price the second interface comprises a price field, and wherein the offer price from the first interface is posted in the price field by selecting the at least one button once and the offer command is submitted for execution by selecting the at least one button again. Claim 69 has been rejected based on the discussion(s) above. See the rejection of claims 69 and 19.

42. Claims 3 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck and Robertson et al. in view of Raykhman as applied to claims 1 and 37 above and in further view of Bates et al. (US 6,809,741).

43. Claim 3 discusses the method of claim 2, the first interface further displaying the variables in a color when the pointer passes over a variable. Claim 2 has been rejected based on the discussion(s) above. See the rejection of claims 3 and 39 in the office action mailed on September 12, 2006.

44. Claim 39 discusses the method of claim 37, the first interface further displaying the at least one variable in a color when the pointer passes over a variable. Claim 37

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has been rejected based on the discussion(s) above. See the rejection of claims 3 and 39 in the office action mailed on September 12, 2006.

45. Claims 30 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuck and Robertson et al. in view of Raykhman as applied to claim(s) 1, 19, and 30 above and in further view of Harrington et al. (US 6,616,099).

46. Claim 30 discusses the method of claim 19, wherein the first interface is a web page. Claim 19 has been rejected based on the discussion(s) above. The references cited for claim 19 do not incorporate the use of a webpage. Harrington discloses the use of a webpage. See the rejection of claim 30 in the in the Office Action mailed on September 12, 2006.

47. Claim 46 discusses the method of claim 37, wherein the at least one trading variable is displayed in a web page. Claim 37 has been rejected based on the discussion(s) above. See the rejection of claim 30.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

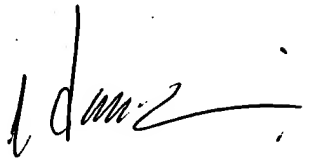
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT  
September 6, 2007



HANI M. KAZIMI  
PRIMARY EXAMINER